

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR**



Mayor's Office of Legal Counsel

November 28, 2017

VIA ELECTRONIC MAIL

Mr. James Sager

RE: FOIA Appeal 2018-47

Dear Mr. James Sager:

This letter responds to the administrative appeal you submitted to the Mayor asserting that the Office of the Attorney General for the District of Columbia ("OAG") improperly withheld records you requested under the District of Columbia Freedom of Information Act ("DC FOIA").

D.C. Official Code §2-537 establishes the Mayor's jurisdiction to review denials of DC FOIA requests issued by public bodies. Under D.C. Official Code §2-537(a-2),¹ the Mayor does not have jurisdiction over DC FOIA denials issued by OAG; instead, individuals may institute proceedings in the Superior Court of the District of Columbia. As a result, the Mayor has no authority to adjudicate your appeal. In order to appeal OAG's response to your FOIA request, you must pursue the appellate process established under D.C. Official Code §2-537(a-2).

Based on the foregoing, we hereby dismiss your appeal. This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

Mayor's Office of Legal Counsel

cc: Anna Kent, Assistant Attorney General, OAG (via email)

¹ This section was added to the D.C. Official Code by D.C. Law 21-36, Fiscal Year 2016 Budget Support Act of 2015.